

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 15-1889 JCH

RAYMOND MOYA,

Defendant.

ORDER ON MOTIONS

This matter is before the Court on various pretrial motions filed by the parties, which were argued in open court during a pretrial conference held on December 20, 2016. Defendant was present at the hearing and represented by counsel. For the reasons more fully stated on the record in open court, the Court ruled as follows:

The *United States' Motion in Limine to Prohibit Discussion of Applicable Penalties* [Doc. 153] is unopposed, and will be **GRANTED**.

The *United States' Motion to Preclude Testimony of Defense Expert William Foote* [Doc. 156] is no longer at issue because the Defendant does not intent to call Dr. Foote to testify at trial. Accordingly, this motion is **DENIED AS MOOT**.

The Court will **defer ruling** on the following motions until the time of trial, so that the Court may see the disputed evidence in context: (1) Defendant's *Motion in Limine to Limit Opinion Testimony Regarding Ultimate Issues And In Response to Hypothetical Questions* [Doc. 149], (2) the *United States' Notice of Intent to Introduce Rule 609 Evidence at Trial* [Doc. 155], and (3) The *United States' Motion in Limine to Introduce Evidence Pursuant to Federal Rule of Evidence 404(b)* [Doc. 77].


Defendant's *Motion in Limine to Exclude Post-Mortem Photos of Deceased* . . . [Doc. 147] is **GRANTED IN PART** with regard to evidence of the effect that Cameron Weiss' death had on his family. That portion of the motion is unopposed. The Court **defers ruling** on the balance of the motion dealing with post-mortem photos and the recording of the 911 call.

The *Government's Motion to Photograph Defendant* [Doc. 152] is **GRANTED IN PART**. The Court will permit the Government to photograph Defendant's chest and back tattoos, and will also permit a third photo of Defendant's chest with Defendant's face visible. However, the Court will **defer ruling** on whether or not these photographs will be admitted into evidence at trial.

The *United States' Motion to Preclude Testimony of Defense Expert Witness Janine Arvizu* [Doc. 157] will be **DENIED**. The witness will be permitted to testify, subject to laying the proper foundation and subject to the applicable Federal Rules of Evidence. To the extent that the Government objects that her opinion is based on incomplete information, they may cross examine Ms. Arvizu about that issue.

Defendant's *Motion for Protective Order to Bar Extrajudicial Statements* . . . [Doc. 158] will be **DENIED**. The concerns raised by the motion will be addressed during voir dire. However, the Court expects all counsel and others associated with the parties to conduct themselves professionally and ethically when communicating with the media and others.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE